

**The Greater Harrodsburg/Mercer County
BOARD OF ADJUSTMENTS AND APPEALS
109 Short Street
Harrodsburg, Kentucky 40330
(859)-734-6066**

MINUTES

Date: May 11, 2006

Time: 4:30 p.m.

1. Chairperson called the meeting to order:

A. Roll Call of Members:

Board Members Present:

Bob Upchurch
Jim Mansfield
Chad Horn

Staff Present:

David Patrick, Staff Attorney
Jane Campbell, Admin. Assistant
Nan Young, Enforcement Officer

B. Previous minutes of April 13, 2006:

A motion was made by Member Mansfield and seconded by Member Horn to approve the minutes of April 13, 2006 as submitted. Roll call vote was unanimous. Motion carried.

2. OLD BUSINESS: None

3. NEW BUSINESS:

1. 05-06 – Roy & Kathy Baugh are requesting a Variance of 30' from 80' to 50' on the front setback for tract 1E of the Milton Catlett, Jr. property due to extreme elevation changes in topography of the property. The property is located on 387 Catlett Lane in Harrodsburg, Kentucky. The zoning map indicates this property is zoned A-2 (Agricultural). The applicant, Kathy Baugh, was sworn in and testimony was taken from the applicant who resides at 447 Indian Camp Road in Stanford, Kentucky. Carter Lister, who resides at 386 Catlett Lane, was present and after being sworn in spoke in opposition of the request due to a discrepancy of a Variance he had applied for in 1999 with the Board of Adjustments and Appeals. Mr. Lister stated that he was not treated fairly because he had been informed that a front setback of 65' to 95' for his property would be sufficient. He had desired a front setback of at least 50'. Chairman Upchurch explained the extreme elevation changes in topography of the Baugh Property, which is not extreme on Mr. Lister's property. With no further testimony received, staff findings and recommendations were presented to the board on this request. A motion was made by Member Horn and seconded by

Member Mansfield to approve a Variance to adjust the front setback from 80' to 50' as presented in case #05-06. The testimony and staff findings were presented in this public hearing in accordance with KRS 100.243 and has therefore shown that the granting of this Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and does not allow an unreasonable circumvention of the requirements of the zoning regulations. Roll call vote was unanimous. Motion carried.

2. 06-06 – Elisa K. James is requesting a Conditional Use Permit for the operation of a Type II licensed day care in her home. The property is located on 102 Chilton Lane in Harrodsburg, Kentucky. The zoning map indicates this property is zoned A-3 (Small Community Agricultural). The applicant, Elisa K. James, was sworn in and testimony was taken from the applicant who resides at 102 Chilton Lane in Harrodsburg, Kentucky. No comment or opposition was presented from the public. Staff findings and recommendations were presented to the board on this request. It is the recommendation of staff that the Conditional Use Permit be granted under the following conditions:

1. The applicant shall meet all requirements of CHFS for the operation of the daycare center.
2. The applicant shall provide a copy of the state issued license to the planning commission staff annually.
3. That granting of the Conditional Use Permit does not exempt the applicant from complying with all of the requirements of the zoning regulations.
4. Any signage desired by the applicant for the daycare center be properly permitted and conform to the requirements of the Mercer County Zoning Ordinance.
5. The applicant limit the total enrollment of the daycare center to the maximum limits of a Type II dwelling of no more than (12) children.
6. The applicant returns to The Board of Adjustments & Appeals for modification of the Conditional Use Permit prior to any changes on the scope of approved operations.
7. The Conditional Use Permit becomes null and void upon transfer or sale of the property.

A motion was made by Member Mansfield to accept and adopt staff findings to approve the Conditional Use Permit with the above following conditions as listed. Member Horn seconded the motion. Roll call vote was unanimous. Motion carried.

3. 08-06 – Carpenter's Christian Church are requesting a 7¾" Variance on a utility easement for their site plan amendment #1 that was presented and approved at the Planning & Zoning Commission Meeting on 05/08/2006, pending the Variance on the utility setback, since the proposed addition to their church encroaches upon the utility easement. The property is located on the US 127 By-Pass in Harrodsburg, Kentucky. The zoning map indicates this property is zoned B-2(General Business). A motion was made by Member Horn and seconded by Member Mansfield to grant the Variance of 7

¾” on the utility easement for the addition of their church. Roll call vote was unanimous. Motion carried.

4. Executive Session (Litigation)

A motion was made by Member Mansfield and seconded by Member Horn to go into executive session for the purpose of discussing litigation. Motion unanimously carried.

A motion was made by Member Horn and seconded by Member Mansfield to come out of executive session. Motion unanimously carried. No action was taken from executive session.

Adjournment: With no further business being brought before the board, a motion to adjourn was made by Chairman Upchurch and seconded by Member Mansfield. The meeting adjourned at 5:20 pm.